

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT FOR TENNESSEE
NASHVILLE DIVISION

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Corey Taylor

Plaintiff

v

Trinity Services Group ~~et al~~

Defendants

JUL 20 2023

U.S. District Court
Middle District of TN

Case No: 3:22-cv-00920

Judge: William L. Campbell JR

Magistrate Judge: Alistar Newbern

Motion of Suggestion

As a Question of Law to be Considered

Comes now Plaintiff Corey Taylor pro se Through this Petition Posing such Questions as follows to be Considered Regarding laws Of such Issues given in Claim/Complaint and the injuries plaintiff has suffered as such Questions arises as a matter of law, based upon the Defendant Motion to Dismiss stating plaintiff has "failed to allege facts supporting his claim that Trinity had an unconstitutional policy which violated his rights", and states plaintiff Does not allege sufficient Facts to rise to the level of a constitutional violation in his complaint.

Argument, Questions & Facts

Under 28 U.S.C. 1915 (e)(2)(B), law states the court must dismiss any portion of a civil complaint filed in forma pauperis that fails to state a claim upon which relief can be granted, or is frivolous, or seeks monetary relief from a defendant who is immune from such relief. In light of the above given this court found that plaintiff stated a colorable claim whereas relief can be granted and defendant has filed a motion to dismiss stating otherwise which shall be denied as a matter of law. This case has went beyond the initial screening and has survived the threshold of such screening, so a question of law would be isn't

The actions of defendant Motion considered a moot or frivolous? In seeing that this

Court has acted in accordance with the honor and respect of the law. Section 1983 Standard creates a cause of action against any person who, acting under the color of state law, abridges "rights, privileges, or immunities secured by the constitution and laws. Furthermore To State a claim under section 1983, a plaintiff must allege and show two elements: (1) that he was deprived of a right secured by the Constitution or laws of the United States; and (2) that the deprivation was caused by a person acting under color of state law. *Dominguez v. Comm. Servs* 555 F.3d 543, 549 (6th Cir. 2009) (quoting *Sigley v. City of Panama Heights* 437 F.3d 527, 533 (6th Cir. 2006)). Question of law from Plaintiff seeks this court to explain if possible or if could state how could such ~~an~~ motion to Dismiss be heard if this court has ruled as a matter of law that this court finds that these claims state a colorable Fourteenth Amendment claim against Trinity under section 1983 (see Doc 5 #7 pg 10 #19). To state a claim under section 1983 against a private entity like Trinity, plaintiff must allege that Trinity had a "policy" or custom that directly caused him to suffer a constitutional violation. *Sarole v. Martin* 673 F.3d 488, 494 (6th Cir. 2012) (citing *Miller v. Sanilac Cnty.*, 606 F.3d 240, 255 (6th Cir. 2010)). "A systematic failure to train... adequately is a custom or policy which can lead to municipal liability." *Miller v. Sanilac Cnty.*, 606 F.3d 240, 255 (6th Cir. 2010) Plaintiff stated in his complaint "Trinity shows a deliberate disregard for Plaintiff's serious medical need not to have spicy food" and fails to adequately monitor the handling and care of his trays by making sure that the Jail inmates are preparing the diet trays in accordance to the diet restrictions." In such issues inference could be drawn that Trinity had a systematic failure to train which is a ^{municipal} ~~liability~~ liability. Defendant states plaintiff failed to state such sufficient facts but Based on this court's Memorandum opinion (Doc #5) proves ? Shows otherwise. Defendant motion to Dismiss stands for Denial and seems to be moot cause the arguments they offer ^{is} ~~are~~ frivolous and false based upon Document 5 and The Complaint. The argument defendant gives in motion to Dismiss is such

an argument for metropolitan Government whom is a named Defendant in this matter and in seeing that Defendant Counsel for Trinity Services Group has not issued an appearance for Metro Gov't but only Trinity such ~~statements~~ ^{Claims} That Defendant raises in ~~their~~ ^{their} motion to Dismiss shall be Stricken from Record. Cause Defendant states that Plaintiff ~~stated~~ ^{stated} "Metro ~~Gov't~~ ^{Gov't} is the moving force behind such acts due to the policy, agreement and contract with Trinity etc. The Defendant used the statement/claim Plaintiff made towards Metro Gov't and this can be viewed on the record. Defendant misrepresents the quote stated and has attempted to Fabricate such allegations by falsely using it as a defense with Trinity when such statement was toward Metro (Doc 5 pg 8). This court has stated that such allegations, however are insufficient to state a claim for municipal liability against "METRO" under section 1983 and this court dismissed the claim against "METRO" cause such claim was insufficient for municipal liability against Metro, However the court did find that Plaintiff's did state a colorable Fourteenth Amendment deliberate indifference claim under section 1983 against Defendant Trinity. This court shall take notice of Defendant motion and see how Defendant fraudulently used Doc 4 pg 4 that was stated for Metro and not Trinity and attempted to use such as claims for dismissal and such is shown in Doc 5 pg 8. This court will agree that such argument is moot cause this court has already ruled on this claim and dismissed Metro from the suit and thus therefore such motion as it has been filed for dismissal shall be denied and stands for denial and such claim against Trinity Services Group shall continue to move forward and relief shall be granted. Plaintiff demands respectfully at trial by the maximum jurors allowed and that all costs & fees be afforded to Defendant since Defendant argues Monell and Monell is for municipal liability and this court has dismissed Metro so such claim/argument no longer arises and thus proves Defendant motion to be moot and ~~Defendant motion to~~ ^{Defendant motion to} Dismiss shall be Denied.

WHEREFORE, Plaintiff Corey Taylor respectfully request that this court dismiss Defendant motion to dismiss and ~~afford~~ ^{afford} costs and fees to defendant's and for such other and further relief as this court deems and grant relief in Plaintiff favor

Plaintiff prays that this court will review all he has presented and see all that he has given in his favor and Rightfully Deny Defendant Motion to Dismiss

Respectfully Submitted
Corey Taylor

Certificate of service

I, Corey Taylor hereby attest that on this 15th day of July 2023 I placed The foregoing into Institutional mail to be Delivered unto 719 Church St Nashville, TN 37203 U.S. Dist Court Clerk of Court to be Processed and Filed and Received By all parties involved via ECF System. Postage Paid by State of Tennessee Dep't of corrections

Respectfully
Corey Taylor

Corey Taylor
534419



Bledsoe County Correctional Complex
1045 Horsehead Road
Pikeville, TN 37367

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U.S. District Court
Middle District of TN

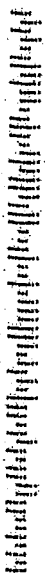
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For The Middle District of TN
Nashville Div
Attn: Clerk of Court

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Nashville, TN 37203

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